

CHAPTER 52

QUALITY HOME CARE

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52.01 Definitions. In this chapter:

(1) “Authority” means the Wisconsin Quality Home Care Authority.

(2) “Board” means the board of directors of the authority.

(3) “Care management organization” has the meaning given in s. 46.2805 (1).

(3m) “Consumer” has the meaning given in s. 46.2898 (1) (cm).

(4) “Department” means the department of health services.

(5) “Family Care Program” means the benefit program described in s. 46.286.

(6) “Home care provider” means an individual who is a qualified provider under s. 46.2898 (1) (f).

(7) “Medical assistance waiver program” means a program operated under a waiver from the secretary of the U.S. department of health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c).

(8) “Program of All-Inclusive Care for the Elderly” means the program operated under 42 USC 1396u–4.

History: 2009 a. 28.

52.05 Creation and organization of authority. (1) CREATION AND MEMBERSHIP OF BOARD. There is created a public body corporate and politic to be known as the “Wisconsin Quality Home Care Authority.” The members of the board shall consist of the following members:

(a) The secretary of the department of health services or his or her designee.

(b) The secretary of the department of workforce development or his or her designee.

(c) The following, to be appointed by the governor to serve 3 year terms:

1. One representative from the state assembly.
2. One representative from the state senate.
3. One representative of care management organizations.
4. One representative of county departments, under s. 46.215, 46.22, 46.23, 51.42, or 51.437, selected from counties where the Family Care Program is not available.
5. One representative of the board for people with developmental disabilities.
6. One representative of the council on physical disabilities.
7. One representative of the council on mental health.
8. One representative of the board on aging and long-term care.

9. Eleven individuals, each of whom is a current or former recipient of home care services through the Family Care Program or a medical assistance waiver program or an advocate for or representative of consumers of home care services.

(3) **CHAIRPERSON.** Annually, the governor shall appoint one member of the board to serve as the chairperson.

(4) **EXECUTIVE COMMITTEE.** (a) The board shall elect an executive committee. The executive committee shall consist of the chair of the board, the secretary of the department of health services or his or her designee, the secretary of the department of

workforce development or his or her designee, and 3 persons selected from board members appointed under sub. (1) (c) 9.

(b) The executive committee may do the following:

1. Hire an executive director who is not a member of the board and serves at the pleasure of the board.

2. Hire employees to carry out the duties of the authority.

3. Engage in contracts for services to carry out the duties of the authority.

(5) **TERM.** The terms of members of the board appointed under sub. (1) (c) shall expire on July 1.

(6) **QUORUM.** A majority of the members of the board constitutes a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the board upon a vote of a majority of the members present. Meetings of the members of the board may be held anywhere within the state.

(7) **VACANCIES.** Each member of the board shall hold office until a successor is appointed and qualified unless the member vacates or is removed from his or her office. A member who serves as a result of holding another office or position vacates his or her office as a member when he or she vacates the other office or position. A member who ceases to qualify for office vacates his or her office. A vacancy on the board shall be filled in the same manner as the original appointment to the board for the remainder of the unexpired term, if any.

(8) **COMPENSATION.** The members of the board are not entitled to compensation for the performance of their duties. The authority may reimburse members of the board for actual and necessary expenses incurred in the discharge of their official duties as provided by the board.

(9) **EMPLOYMENT OF BOARD MEMBER.** It is not a conflict of interest for a board member to engage in private or public employment or in a profession or business, except to the extent prohibited by law, while serving as a member of the board.

History: 2009 a. 28; s. 35.17 correction in (1) (c) 4.

52.10 Powers of authority. The authority shall have all the powers necessary or convenient to carry out the purposes and provisions of this chapter and s. 46.2898. In addition to all other powers granted the authority under this chapter, the authority may:

(1) Adopt policies and procedures to govern its proceedings and to carry out its duties as specified in this chapter.

(2) Employ, appoint, engage, compensate, transfer, or discharge necessary personnel.

(3) Make or enter into contracts, including contracts for the provision of legal or accounting services.

(4) Award grants for the purposes set forth in this chapter.

(5) Buy, lease, or sell real or personal property.

(6) Sue and be sued.

(7) Accept gifts, grants, or assistance funds and use them for the purposes of this chapter.

(8) Collect fees for its services.

History: 2009 a. 28.

52.20 Duties of authority. The authority shall:

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(1) Establish and maintain a registry of eligible home care providers who choose to be on the registry for purposes of employment by consumers and provide referral services for consumers in need of home care services.

(2) Determine the eligibility of individuals for placement on the registry. For purposes of determining eligibility, the authority shall apply the criteria described in s. 46.2898 (1) (f), including any qualifying criteria established by the department under s. 46.2898 (7). The authority shall also develop an appeal process for denial of placement on or removal of a provider from the registry consistent with the terms of the medical assistance waiver programs, the Family Care Program, an amendment to the state medical assistance plan under 42 USC 1396n (j), or the Program of All-Inclusive Care for the Elderly, as determined by the department.

(3) Comply with any conditions necessary for consumers receiving home care services to receive federal medical assistance funding through a medical assistance waiver program, the Family Care Program, an amendment to the state medical assistance plan under 42 USC 1396n (j), or the Program of All-Inclusive Care for the Elderly.

(4) Develop and operate recruitment and retention programs to expand the pool of home care providers qualified and available to provide home care services to consumers.

(5) Maintain a list of home care providers included in a collective bargaining unit under s. 111.825 (2g) and provide the list of home care providers to the department at the department's request.

(6) Notify home care providers providing home care services of any procedures for remaining a qualified provider under s. 46.2898 (1) (f) set forth by the department or the authority.

(7) Provide orientation activities and skills training for home care providers.

(8) Provide training and support for consumers hiring a home care provider regarding the duties and responsibilities of employers and skills needed to be effective employers.

(9) Inform consumers of the experience and qualifications of home care providers on the registry and home care providers identified by consumers of home care services for employment.

(10) Develop and operate a system of backup and respite referrals to home care providers and a 24-hour per day call service for consumers of home care services.

(11) Report annually to the governor on the number of home care providers on the registry and the number of home care providers providing services under the authority.

(12) Conduct activities to improve the supply and quality of home care providers.

History: 2009 a. 28.

52.30 Liability limited. (1) The state, any political subdivision of the state, or any officer, employee, or agent of the state or a political subdivision who is acting within the scope of employment or agency is not liable for any debt, obligation, act, or omission of the authority.

(2) All expenses incurred by the authority in exercising its duties and powers under this chapter shall be payable only from funds of the authority.

History: 2009 a. 28.

52.40 Health data. Any health data or identifying information collected by the authority is collected for the purpose of government regulatory and management functions.

History: 2009 a. 28.